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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/047,811

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James C. Fletcher

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7590

02/24/2005

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EXAMINER

PWU, JEFFREY C

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,811

Applicant(s)

FLETCHER ET AL.

Examiner

Jeffrey Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/5/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

- 1) In the claim, the practical application of an algorithm or idea result in a useful, concrete, tangible result, AND
- 2) The claim provides a limitation in the technological art that enables a useful, concrete, tangible result.

As to the technology requirement, note MPEP Section iV 2(b). Also note In Re Waldbaum, 173USPQ 430 (CCPA 1972) which teaches “useful arts” is synonymous with “technological arts”. In re Musgrave, 167USPQ 280 (CCPA1970), In re Johnston, 183USPQ 172 (CCPA 1974), and In re Toma, 197USPQ 852 (CCPA 1978), all teach a technological requirements.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 13, and 14 lack written description in the description of how to analyze the obtained credentials, and how are the credentials of a user being aggregated via a service provider.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being unpatentable over Sullivan, JR. et al. (U.S. 2003/0005090).

Sullivan, JR. et al. disclose claims :

1. A method of provisioning one or more software resources of an aggregated service in a computing network, comprising steps of:
defining a provisioning interface of the aggregated service (201, 600);
specifying the provisioning interface in a service description document (310, 320, 325, 326, 331);
obtaining credentials of a user of the aggregated service, according to the service description document (paragraph [0021], [0023], [0024]);
analyzing the obtained credentials (paragraph [0021], [0023], [0024]); and

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allowing the user to perform the aggregated service if indicated by the analyzing step (paragraph [0030]).

2. The method according to claim 1, further comprises the step of: registering the service description document in a registry (210).

3. The method according to claim 2, further comprising the steps of: defining a provisioning interface of at least one of the one or more software resources of the aggregated service; and for each of the at least one software resource, specifying the provisioning interface of a service performed by the software resource in the service description document or in one or more other service description documents (paragraph [0038], [0039], [0040], [0041], [0042]).

4. The method according to claim 3, wherein the step of obtaining credentials of the user of the aggregated service also obtains credentials for the at least one software resource, according to the service description document or the one or more other service description documents; and further comprising the step of allowing the user to perform selected services represented by the provisioning interfaces of the at least one software resource, if indicated by the analyzing step ([0061]-[0071]).

5. The method according to claim 4, further comprising the step of obtaining operation-specific credentials of the user, and wherein the step of allowing the user to perform selected services depends on the operation-specific credentials of the selected service ([0061]-[0071]).

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6. The method according to claim 4, wherein the analyzing step comprises at least one of (1) authentication and (2) authorization of the credentials ([0064]).

7. The method according to claim 1, wherein identity information is programmatically relayed among distributed services performed by the software resources of the aggregated service ([0064]-[0065]).

8. The method according to claim 7, wherein the programmatic relaying comprises sending a message which specifies the credentials in a header of the message and a service request in a body of the message ([0068])..

9. The method according to claim 8, wherein the message is a SOAP ("Simple Object Access Protocol") message ([0065]-[0068]).

10. The method according to claim 1, wherein the service description document is specified in a markup language ([0065]-[0068]).

11. The method according to claim 10, wherein the markup language is Web Services Description Language ("WSDL") ([0065]-[0068]).

12. The method according to claim 2, wherein the registry is a network-accessible registry accessed using standardized messages (210).

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13. A system for provisioning one or more software resources of an aggregated service in a computing network, comprising: means for defining a provisioning interface of the aggregated service; means for specifying the provisioning interface in a service description document; means for obtaining credentials of a user of the aggregated service, according to the service description document; means for analyzing the obtained credentials; and means for allowing the user to perform the aggregated service if indicated by the means for analyzing (Claim 13 is similarly rejected as in claim 1).

14. A computer program product for provisioning one or more software resources of an aggregated service in a computing network, the computer program product embodied on one or more computer-readable media and comprising: computer-readable program code means for defining a provisioning interface of the aggregated service; computer-readable program code means for specifying the provisioning interface in a service description document; computer-readable program code means for obtaining credentials of a user of the aggregated service, according to the service description document; computer-readable program code means for analyzing the obtained credentials; and computer-readable program code means for allowing the user to perform the aggregated service if indicated by the computer-readable program code means for analyzing (Claim 14 is similarly rejected as in claim 1).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David

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Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



2/20/2005

JEFFREY PWU
PRIMARY EXAMINER